

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TYLER ERDMAN,

*Plaintiff,*

against

ADAM VICTOR,

*Defendant.*

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Case No.: 1:20-cv-04162  
(LGS)(GWG)

**AFFIDAVIT**

STATE OF NEW YORK

ss:

COUNTY OF KINGS

1. We are counsel for the Defendant in the abovementioned action and we make this Affidavit as required by the Order of the Court dated March 4, 2024, and July 18, 2024 (Dkt #235 and 271).

2. At the conference held on April 17, 2024, we were directed to comprehensively describe our document production efforts in an Affidavit due on May 1, 2024. On April 19, 2024, a conference was held between the parties to discuss how big of a time period would be encompassed by the document production. After spending numerous hours compiling this and other information, this Affidavit was filed timely on May 1, 2024.

3. We attempted but could not schedule another meeting together until June 5, 2024, partly due to issues Mr. Erdman had with his e-vendor. During that meeting, Plaintiff made inquiries regarding certain computers in the Defendant's office. After conferring with our client, we obtained the requisite answers and relayed them to the Plaintiff. The subject

was further discussed during a follow-up meeting on June 18, 2024. After much discussion, it was agreed Mr. Erdman would put together a list of particularized questions to not only submit to Setec, but to also be answered by our client.

4. The next few weeks then passed with no questions received from the Plaintiff. In fact, we did not hear from him until July 12, 2024, when an email was received from him at 7:48 pm requesting a phone call the next Monday. That meeting could not be held until July 17, 2024, during which he informed us he would not be submitting a list of questions but instead would opt for asking Setec directly as part of the third-party discovery process. Inquiries were made whether certain email accounts had been searched, and regarding certain documents marked privileged that he felt did not merit that designation. We are in the process of providing those answers at some point in the next two weeks. Due to the fact these inquiries were made on the 17<sup>th</sup>, it was impossible to meet the court-ordered deadline.

5. Therefore, between the Affidavit we submitted on May 1, 2024, and the other efforts listed above, we made every effort to comply with the Court's deadline. Time is also needed to reply to the inquiries made during the conference call held on July 17.

Dated: Brooklyn, New York  
July 22, 2024

  
ALtered POLIZZOTTO, III

Sworn to before me on  
July 22, 2024

  
NOTARY PUBLIC

EMILIO RODRIGUEZ  
Notary Public, State of New York  
Registration No. 02RO6321688  
Qualified in Queens County  
Commission Expires 7/22/27